

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RODNEY CONLEY,

Petitioner,

v.

WARDEN, ROSS CORRECTIONAL
INSTITUTION,

Respondent.

CASE NO. 2:11-CV-1142
JUDGE JAMES L. GRAHAM
MAGISTRATE JUDGE MICHAEL MERZ

OPINION AND ORDER

On April 25, 2013, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed. This matter is before the Court on Petitioner's objections to the Magistrate Judge's *Report and Recommendation*, Respondent's *Response*, and Petitioner's *Reply*. For the reasons that follow, Petitioner's objections (Doc. Nos. 24, 28, 29) are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Court certifies that any appeal would not be taken in good faith and that a request for certificate of appealability should be denied.

Petitioner asserts that he was convicted in violation of the Confrontation Clause, his convictions violate the Double Jeopardy Clause, that the trial court improperly increased his sentence without his presence, and that he was denied effective assistance of counsel. The Magistrate Judge recommended dismissal of all the foregoing claims on the merits. Petitioner objects to the Magistrate Judge's recommendation of dismissal of his Confrontation Clause claim and his claim of ineffective assistance of counsel. Additionally, Petitioner now asserts that the evidence was constitutionally insufficient to sustain his convictions, and that he was denied


effective assistance of counsel because his attorney failed to investigate by interviewing potential witnesses at the hospital. Petitioner did not previously raise these claims, and he may not do so now.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. Petitioner does not offer any new arguments regarding the merits of his claims, but again raises the same arguments he previously presented. For the reasons already well detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's arguments provide no basis for federal habeas corpus relief.

Petitioner's objections (Doc. Nos. 24, 28, 29), are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

The Court certifies that any appeal would not be taken in good faith and that a request for certificate of appealability should be denied.

IT IS SO ORDERED.


JAMES L. GRAHAM
United States District Judge